

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARTHUR COURT DESIGNS, INC.

No. C-09-0584 EMC

Plaintiff,

v.

**SECOND ORDER RE SUPPLEMENTAL
BRIEFING AND/OR EVIDENCE**

JOHN JENSEN,

Defendant.

Plaintiff Arthur Court Designs, Inc. (“ACDI”) has moved for default judgment against Defendant John Jensen. Previously, the Court issued an order asking ACDI to provide supplemental briefing and/or evidence to support, in particular, its claim for damages. *See* Docket No. 7 (order, filed on 3/11/09). ACDI has done so. *See* Docket No. 9 (Rev. & Supp. Hullfish Decl.). Having reviewed that information, the Court hereby orders ACDI to provide additional supplemental information.

(1) ACDI seems to claim that the alleged infringement by Mr. Jensen took place over the period from 2006 to 2008. ACDI shall provide any and all evidence it has to support that claim or otherwise establish when the alleged infringement took place.

(2) ACDI asserts that the decline in sales for the two grape products from 2006 to 2008 is attributable to the alleged infringement by Mr. Jensen. ACDI, however, has not demonstrated that a decline in sales was unique to the two grape products -- *i.e.*, that its noninfringed products did not likewise suffer a similar decline in sales. ACDI therefore shall provide any and all evidence regarding (1) sales of and profits for its noninfringed products during the relevant period and (2) overall company sales and profits during the relevant period.

1 The supplemental information requested above shall be filed within a week of the date of this
2 order.

3 ACDI is directed to serve a copy of this order upon Mr. Jensen immediately upon its receipt
4 of the order. A proof of service shall be filed within three days of the date of this order.

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6 IT IS SO ORDERED.

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8 Dated: May 5, 2009



EDWARD M. CHEN
United States Magistrate Judge